

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

2011 JOHN DEERE 5085M
TRACTOR IDENTIFICATION
NUMBER: 1LV5085MVBB310251,

Defendant.

NO: 4:16-CV-5020-RMP

ORDER GRANTING MOTION FOR
FINAL ORDER OF FORFEITURE

Plaintiff, the United States of America, alleged in a Verified Complaint for Forfeiture In Rem that the Defendant property captioned above was subject to forfeiture to the United States pursuant to 21 U.S.C. § 881. ECF No. 1.

The Court has jurisdiction over this matter by virtue of 28 U.S.C. § 1355. Venue is proper pursuant to 28 U.S.C. § 1355.

The Defendant property being sought for forfeiture is described as follows:

**2011 John Deere 5085M Tractor, Identification Number:
1LV5085MVBB310251.**

1 On March 29, 2016, the United States Marshals Service executed the Warrant
2 of Arrest In Rem. The returned warrant was filed with the Court under the above
3 cause number on March 30, 2016. ECF No. 5.

4 In accordance with FED. R. CIV. P. Rule G(4)(a)(iv)(C), Supplemental Rules for
5 Admiralty or Maritime Claims and Asset Forfeiture Actions, notice of civil forfeiture
6 was posted on an official government website www.forfeiture.gov beginning March
7 31, 2016, and running through April 29, 2016. ECF Nos. 10, 10-1, and 10-2. Based
8 upon the internet publication start date of March 31, 2016, the last date to file a timely
9 claim **if direct notice was not received** was May 30, 2016.

10 On March 30, 2016, IRMA LOPEZ was sent a copy of the Verified Complaint
11 for Forfeiture In Rem, ECF No. 1; the executed Warrant of Arrest In Rem, ECF No. 5;
12 and Notice of Complaint for Forfeiture, via certified mail, return receipt requested, at
13 her last known address and in care of her attorney, ECF Nos. 6 and 6-1. On May 3,
14 2016, IRMA LOPEZ filed a claim, ECF No. 8. To date, no answer has been received
15 from IRMA LOPEZ.

16 On October 12, 2016, IRMA LOPEZ entered into a Plea Agreement in the
17 Eastern District of Washington related criminal case *United States v. Irma Lopez*,
18 Case No.: 4:16-CR-6005-EFS-4. In her plea agreement, IRMA LOPIZ agreed to
19 voluntarily forfeit and relinquish any and all right, title, and interest she may have in
20 the Defendant John Deere Tractor, to the United States. She also agreed not to contest
21 the civil judicial forfeiture of the Defendant Tractor and withdrew her claim filed in

1 this civil forfeiture action. In addition, IRMA LOPEZ acknowledged that the
2 Defendant Tractor is subject to forfeiture as property either facilitating illegal conduct
3 or it represents proceeds obtained in violation of 21 U.S.C. § 841 and is forfeitable
4 under 21 U.S.C. § 881.

5 No other timely claims to the Defendant Property have been received or filed
6 with the Court.

7 Claims to the Defendant Property have been resolved as described herein.

8 **IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED** that the
9 United States' Motion for Forfeiture of Property RE Entry of a Final Order of
10 Forfeiture, **ECF No. 11**, is **GRANTED**, and further, the Defendant property described
11 as follows is hereby forfeited to the United States of America, and no right, title, or
12 interest shall exist in any other person:

13 **2011 John Deere 5085M Tractor, Identification Number:**
14 **ILV5085MVBB310251.**

15 IT IS FURTHER ORDERED that the United States Marshals Service shall
16 dispose of the forfeited 2011 John Deere Tractor described herein in accordance with
17 law.

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1 IT IS FURTHER ORDERED that the United States District Court shall retain
2 jurisdiction in this case for the purpose of enforcing or amending this Order.

3 The District Court Clerk is directed to enter this Order and provide copies to
4 counsel.

5 **DATED** November 14, 2016.

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7 *s/ Rosanna Malouf Peterson*
8 ROSANNA MALOUF PETERSON
9 United States District Judge
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